IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9375 OF 2004

Arvind Tatyaso Patil & Ors. .. Petitioners.
Vs.
Appasaheb Babu Patil & Ors. .. Respondents.

Mr.S.S.Patwardhan for the petitioners.
Mr.G.M.Savagare for the respondents.

CORAM : D.B.BHOSALE, J.

DATED : 10TH DECEMBER, 2004

P.C.:

. Heard learned counsel for the parties.

2. This petition is directed against the concurrent findings recorded by the courts below in application Exhibit-5. Both the courts have considered the entire material on record and have reached a conclusion that the respondent-plaintiff is in possession of the suit property. Mr.Patwardhan, learned counsel for the petitioner, however, submitted that the description of the land in dispute as given in the sale deed dated 18.3.1965, on the basis of which the respondent claims possession, and the description of the land in dispute differs. Both the courts below have considered this aspect and still held that the

respondent is in possession of the land in dispute. The petitioner is a stranger who claims that he purchased property from one Ram, son of Narayan Patil. Narayan Patil was a tenant in the suit property who had four sons. The respondent-plaintiff is one of the sons of Narayan Patil. The petitioner claims that he purchased the land in dispute from Ram by registered sale deed on 13.9.2002 after obtaining permission of the tenancy authorities under section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948 (for short "the Act"). There does not seem to be any dispute that the order passed in favour of Ram under 32-G of the Act is the subject matter of the writ petition pending in this court wherein this court has granted stay to the said order. All these aspects were considered by the courts below. Considering that there are concurrent findings recorded by the courts below and as I find that there is sufficient material on record to sustain those findings and considering extremely limited jurisdiction of this court under Article 227 of the Constitution of India to disturb the findings of fact the present writ petition cannot be entertained. The writ petition, therefore, fails and is dismissed as such.

(D.B.Bhosale, J.)